

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RONALD G. DANDAR,

Petitioner,

v.

COMMONWEALTH OF  
PENNSYLVANIA, et al.,

Respondents.

Civil Action NO. 02-222 Erie

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on July 23, 2002 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 9, 2005, recommended that the petition for writ of habeas corpus be dismissed as untimely and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Cresson, where he is incarcerated, and on Respondent. Objections were filed by Petitioner on June 24, 2005. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 27<sup>th</sup> Day of July, 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED as untimely and that a certificate of appealability is DENIED.

The Report and Recommendation of Magistrate Judge Baxter, dated June 9, 2005, is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record.  
Susan Paradise Baxter  
U.S. Magistrate Judge